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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,092	01/20/2004	Yuichi Kawaguchi	2004_0085A	6936
513 7590 05/31/2007 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			EXAMINER BOAKYE, ALEXANDER O	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 05/31/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/759,092

Applicant(s)

KAWAGUCHI ET AL.

Examiner

ALEXANDER BOAKYE

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-8 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 04/27/04, 10/20/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

DETAILED ACTION

1. The priority papers filed on 01/20/2004 have been received.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3,7-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Fukushima et al. (US Patent # 6,292,489).

Regarding claim 1, Fukushima teaches communication system for supporting reservation of network resources (Fig. 1) comprising: a plurality of terminals (2,11 of Fig. 1); and a relaying device (2, 11 of Fig. 1) operable to perform priority control of packets based on priority set to each of the packets to relay among said plurality of terminals, wherein each of said plurality of terminals (2,11 of Fig. 1) comprises: a communication-managing table (4) operable to store communication information of both own terminal and a

communication partner thereof, both the own terminal and the communication partner being included among said plurality of terminals (column 4, lines 15-39) ; a packet-transmitting unit ( 11) operable to set each of the packets priority according to the communication information stored on said communication-managing table (column 4, lines 15-26 and column 4, lines 41-61); a packet-receiving unit (2) operable to receive the packets (column 4, lines 14-16); and a link-managing unit (5) operable to update, when link condition of the own terminal changes, the priority of each of the packets whose source terminal is the own terminal, the priority of each of the packets being included in the communication information stored on said communication-managing table (column 4, lines 15-26 and column 4, lines 41-61).

Regarding claim 2, Fukushima further teaches priority-assigning unit (9) operable to manage, and when requested assign, priority of packets of each of said plurality of terminals (2, 11) wherein each of said plurality of terminals acquires from said priority-assigning unit priority that is set to packets whose source terminal is the own terminal (column 5, lines 27-39 and column 6, lines 32-42).

Regarding claim 3, Fukushima further teaches that, when the link condition of the own terminal changes, the own terminal acquires from the priority- assigning unit new

priority that is set to the packets whose source terminal is the own terminal and updated priority of the packets whose source terminal is the own terminal to the new priority (column 9, lines 50-60).

Regarding claim 7, Fukushima teaches a terminal (Fig. 1) comprising a communication-managing table (4) operable to store communication information of both own terminal and a communication partner thereof (column 4, lines 15-38); a packet-transmitting unit (11) operable to set each of packets priority according to the communication information stored on said communication-managing table (column 4, lines 15-26 and column 4, lines 41-61); a packet-receiving unit (2) operable to receive the packets (column 4, lines 14-16); and a link-managing unit (5) operable to update, when link condition of the own terminal changes, the priority of each of the packets whose source terminal is the own terminal, the priority of each of the packets being included in the communication information stored on said communication-managing table (column 4, lines 15-26 and column 4, lines 41-61).

Regarding claim 8, Fukushima teaches a communication method for supporting reservation of network resources, the communication method comprising: storing, in each of said plurality of terminals, communication information of both own terminal and a communication partner thereof

Art Unit: 2616

(column 4, lines 15-38) ; setting a packet priority according to the stored communication information (column 4, lines 15-26 and column 4, lines 41-61); transmitting the packet set the priority (column 4, lines 61-63); receiving the packet set the priority (column 4, lines 14-16); and updating, when link condition of the own terminal changes, the priority of packets whose source terminal is the own terminal, the priority being included in the stored communication information (column 4, lines 15-26 and column 4, lines 41-61).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukushima et al. (US Patent # 6,292,489) as applied to claim 1 above, in view of Matsubara et al. (US Patent 6,693,875).

Regarding claim 5, Fukushima further discloses wherein the link-managing unit of each of the plurality of terminals judges that the link condition changes when connection between the own terminal and the switch changes (column 9, lines 50-60).

Art Unit: 2616

Fukushima fails to explicitly teach that the relaying device is a base station of a wireless LAN. However, Matsubara discloses that the relaying device is a base station of a wireless LAN (column 17, line 66-column 18, lines 1-9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Fukushima to include the feature that the relaying device is a base station of a wireless LAN such as the one taught by Matsubara in order to be able to have wireless access to end users such as computer users.

Claim 6 is met as previously discussed with respect to claim 5.

#### ***Allowable Subject Matter***

4. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### **Conclusion**

5. The prior art of made of record and not relied upon is considered pertinent to Applicant's disclosure.

Matsubara et al. (US Patent # 7,123,914) discloses communication network system.

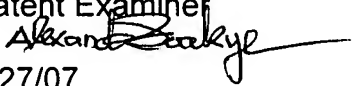
Art Unit: 2616

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Boakye whose telephone number is (571) 272-3183. The examiner can normally be reached on M-F from 8:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (571) 272-3179. The Fax number is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or PUBLIC PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Electronic Business Center (EBC)** numbers at 866-217-9197 and 703-305-3028.

Alexander Boakye

Patent Examiner

  
5/27/07